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OFFICE OF PETITIONS

In re Application of :
Delbert Lee Hartman :
Application No. 10/646,181 : ON PETITION
Filed: 25 August, 2003 :
For: TRASVERSE DISC MOTOR :
:

This is a decision on the petition filed on 9 March, 2006, under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on 29 August, 2005, for failure to file a proper reply to the Notice of Non-Compliant Amendment mailed on 28 July, 2005, which set a one (1) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. On 30 December, 2005, a Notice of Abandonment was mailed. The petition to withdraw the holding of

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

abandonment filed on 19 January, 2006, was dismissed on 10 February, 2006.

Petitioner asserts that that the amendment filed on 19 January, 2006, is the required reply.

The application is being forwarded to Technology Center Art Unit 3751 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



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